



plaintiffs. As is the procedure in Virginia state court, the attorneys in that action circulated an order dismissing the state complaint for an injunction and tendered it to the court. That order was entered on February 1, 2012.

The statute governing the removal of civil actions to federal court states that “any civil action brought in a State court of which the district courts of the United States have original jurisdiction, may be removed *by the defendant or defendants*, to the district court of the United States.” 28 U.S.C.A §1441(a) (West 2006) (emphasis added); see *Chi., Rock Island. & Pac. R.R. v. Stude*, 346 U.S. 574, 580 (1954) (holding that because the railroad was the plaintiff, it could not remove the case to federal court). The plaintiffs in this case elected to bring their case in state court and they may not avail themselves of the removal statute.

Accordingly, because removal to this court was improper, I will remand the case to state court and direct the clerk of this court to dismiss the case from the docket. A separate order will be entered herewith.

DATED: February 13, 2012

/s/ James P. Jones  
United States District Judge